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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/652,103	08/29/2003	Clifford P. Krieger	7016 PTG	9852

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EXAMINER

HOOK, JAMES F

ART UNIT	PAPER NUMBER
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3754

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Pat

Office Action Summary	Application No. 10/652,103	Applicant(s) KRIEGER ET AL.	
	Examiner James F. Hook	Art Unit 3754	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>3-18-05</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is considered indefinite to refer to a claim to set forth structure that is being limited by and further such is already set forth in the preamble when referring to claim 1 it is implied that all the structure of claim 1 appears within claim 2 already, so there is no further limitation being added by the second reference to claim 1, and therefore such is indefinite.

Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The recitation of parameters linked to "FIGS. 1 and 2" is indefinite where a figure cannot provide antecedent basis for terms in the claim such as what the letters define in the table, and the use of table form is also indefinite where the table appears to set forth multiple embodiments where there are essentially ranges within ranges set forth for each value, and there is no antecedent basis for the letters A-J since the figures cannot be used to set forth this antecedent basis, thereby rendering the claim indefinite.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 5-8, 13-15, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Phillips. The patent to Phillips discloses the recited restrictor for use in pulsation absorbing comprising a restrictor 16 in the form of a venturi where the ends of the restrictor can be seen in the figures to be expanding in opening diameter at the ends from a smaller diameter throat in the middle which is a convergent divergent type of restrictor, where such is provided in a flexible tube 14, it has ribs formed in the outer wall as seen in figure 4 and is held within the flexible tube by crimped bands 48, where such inherently would control turbulence as set forth in claim 6, such is used in a hydraulic system which inherently would be known to include pumps, and such is use for power steering is considered covered by Phillips which also would be inherently known to contain power steering gear.

Claims 1, 6-8, and 13-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Katayama (534). The patent to Katayama discloses the recited restrictor for use in pulsation absorbing comprising a restrictor 10 in the form of a venturi where the ends of the restrictor can be seen in the figures to be expanding in opening diameters at the ends from a smaller diameter throat in the middle which is a convergent divergent type of restrictor, where such is provided in a flexible tube 2, it is held within the flexible tube by crimped bands 18, where such inherently would control turbulence as set forth in claim 6, such is used in a hydraulic system which inherently would be known to include pumps, and such is use for power steering is considered

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covered by Katayama which also would be inherently known to contain power steering gear.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-4, 9, 10, 16, 17, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Phillips or Katayama (534) in view of Moseley, Jr. The patents to Phillips and Katayama disclose all of the recited structure with the exception of forming the restrictor of plastic and the angles of the inner walls of the venturi, and specific design values. It is considered an obvious choice of mechanical expedients to form the restrictor of any dimensions where such would only require routine skill in the art to modify dimension to arrive at optimum values as such is merely a choice of mechanical expedients and it would have been obvious to one skilled in the art to use routine skill and experimentation in the art to arrive at optimum values for the restrictors of Phillips and Katayama. The patent to Moseley, Jr. discloses that it is old and well known in the art to form restrictors in tubes of any type of material including metal or plastic, where an angle of 4 degrees for the wall of the restriction is also known in the art. It would have been obvious to one skilled in the art to modify the restrictor in Phillips or Katayama by forming the restrictor of any material including metal or plastic and to form the angled walls of the restrictor with a 4 degree angle as suggested by Moseley, Jr.

where such are known materials used for the restrictors and known angles for restrictor walls where such will improve quality and meet the environmental needs of the user to reduce replacement costs for failure of the restrictor due to use of a material that is not as durable in certain environments where corrosion can exist.

Claims 11, 12, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katayama (534) in view of Van Ruiten. The patent to Katayama discloses all of the recited structure with the exception of providing a tuning cable to the restrictor. The patent to Van Ruiten discloses that it is old and well known in the art to provide restrictor 24 provided in flexible tube 21 by clamping element can be provided with a tuning cable 36. It would have been obvious to one skilled in the art to provide the restrictor in Katayama with a tuning cable as suggested by Van Ruiten where such would further attenuate pulsations and would improve the usefulness of the device thereby saving money by being more effective than a restrictor without a tuning cable. Forming the cable of plastic is considered old and well known in the art and such is already attached in Van Ruiten.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents to Delano, Lee, II., Stavropoulos, Stark, Kokuryu, Kozyuk, Chen, Seidel-Peschmann, and Chen disclosing state of the art restrictors.

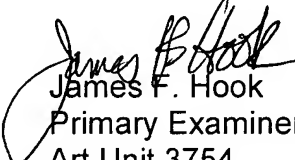
Any inquiry concerning this communication or earlier communications from the examiner should be directed to James F. Hook whose telephone number is (571) 272-

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4903. The examiner can normally be reached on Monday to Wednesday, work at home Thursdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Mar can be reached on (571) 272-4906. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


James F. Hook
Primary Examiner
Art Unit 3754

JFH